



# TOWN OF UPTON, MASSACHUSETTS

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## Cable Advisory Committee

### Meeting Minutes

***Date: May 9, 2019***

***Location: Town Hall, Main Street***

#### **A: Call to Order**

Having a quorum, the meeting was called to order at 4:05 pm

#### **B: In Attendance**

Committee Members:

- Dominic Coombe – NOT PRESENT
- Marcia Kasilowski
- Steven Rakitin

Guests: Kelly McElreath, Assistant to the Town Manager, Town Clerk  
Derek Brindisi, Town Manager  
Glenn Fowler, Cable Coordinator  
Bill Hewig, KP Law (via phone)

#### **C: Discussion**

##### **1. Review Agenda and Meeting Minutes**

Agenda was reviewed.  
Minutes of Mar 25 2019 were reviewed and approved.

##### **2. General Discussion**

###### **Update on Cable Assistant**

Jayden Moffitt is a HS junior who has been working with Glenn. Glenn will start working with him on updating EMS channel and creating written procedures.

###### **License Renewal Process – Bill Hewig KP Law**

Bill provided us with an overview of the Ascertainment Process – which is the process for negotiating the license renewal. Our current license expires May 2021.

He indicated that both Charter and Comcast are both only doing 10-year licenses.

The town has three PEG channels, Public Access, Educational and Government

We currently have about 6 remote access points throughout town. Our hub is Glenn's office in Town Hall. We have local origination drops at High School and Fire Station

Our current contract provides stipulates 2.5% GAR revenue collected as a surcharge on subscribers. This amount comes to \$50-60k annually, \$600k over 10 years. Bill said about half of communities are getting 5% GAR and that we could ask to increase our GAR but would need to provide a convincing argument for what we would use the additional funds for...

We currently have 2,000 cable subscribers – the number has remained constant for several years.

We did make a \$20k capital request for new equipment, which was received.

Bill asked that we identify any future capital equipment/facility needs for next 10 years. For example, adding more programming, more drops at proposed Library/Senior Center and DPW, etc.

**First step** – conduct a survey of subscribers. Bill will send us a survey we can use for this.

We then need to determine if Charter is in compliance with current license. We need documented evidence of poor signal quality, picture quality, and other customer issues. Picture quality standards include snowy picture, audio/video breaking up for example.

We need to collect videos and photos of poor picture quality.

Charter is responsible for picture quality on PEG channels – which is supposed to be as good as commercial channels. It currently is not. Current license does not require HD for PEG.

One of the reasons a municipality can choose to not renew cable license is if we can prove they are not in compliance with current license.

**Second Step** – Business Plan is created that states what we would like our PEG access channels to look like over next 10 years. May require more equipment, staff, programming, facilities... Establish current expense and project out 5 years. Same for equipment. Project out 5 years.

**Third Step** – Convene a Public Hearing. Charter may or may not attend. Are required to provide a court reporter to create a record of the hearing. We get a copy. Timeframe for this could be fall 2020 (although this would be during presidential election).

Bill will provide details on how we are required to advertise and post the public hearing.

We need to make sure subscribers are aware that the license is only for cable TV – not for Internet or Phone services provided by Charter.

So to recap, Bill suggested that we start with the surveys. Then work on long range Business Plan and finally, schedule Public Hearing sometime in 2020.

On the issue of double poles and senior citizen discount, Bill thought we could raise these issues during negotiation but that we have no leverage. Also, current version of cable license no includes HD for PEG channels.

Bill also said that it is not clear if an when FCC will issue an order on capital fees and that we should plan to negotiate as usual since this could take years to be resolved.

We discussed creating a Charter License Renewal Process document that would explain the process so our residents/subscribers would be aware that we are working on this and would have some understanding of the process.

#### **D: Committee Actions and Action Items**

##### **Committee Actions:**

1. It was moved and seconded to approve minutes of Mar 25 2019 meeting. Unanimous.

#### **E: Future Meeting Dates**

Next committee meeting is scheduled for June 10<sup>th</sup> 4pm.

#### **F: Meeting Adjourned**

Upon unanimous vote, the meeting was adjourned at 5:05 pm

Respectfully submitted

Steven R. Rakitin  
Clerk